

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Fabiola Pagan**Case No.: 17-22056Judge: JKSDebtor(s) Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☒ Original☐ Motions Included☐ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge SoughtDate: 7/7/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 215.00 Monthly to the Chapter 13 Trustee, starting on July 1, 2017 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property
Description: 82-84 Elberon Ave., Paterson, NJ 07502
Proposed date for completion: Determined by court

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1,980.89 to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to M & T Bank (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scura, Wigfield, Heyer, Stevens, Cammarota, LLP	Administrative	Amount to be determined by further application to the court

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M & T Bank	82-84 Elberon Ave. Paterson, NJ 07502 Passaic County	45,000 (estimated)	0	Arrears to be cured via loan modification	1,980.89 - APP 60% P&I + 100% escrow

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

 X Not less than \$ 9,000.00 to be distributed *pro rata*

 Not less than percent

 Pro Rata distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
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Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date July 7, 2017 /s/ Christopher Balala
Christopher Balala
 Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 7, 2017 /s/ Fabiola Pagan
Fabiola Pagan
 Debtor

Date: _____

 Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Fabiola Pagan
 Debtor

Case No. 17-22056-JKS
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 26

Date Rcvd: Jul 19, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 21, 2017.

db
 516878497 +Fabiola Pagan, 82-84 Elberon Ave., Paterson, NJ 07502-2025
 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982235, El Paso, TX 79998)
 516878506 ++CITIBANK, PO BOX 790328, ST LOUIS MO 63179-0328
 (address filed with court: Home Depot Credit Services, PO Box 653000,
 Dallas, TX 75265-3000)
 516878499 +Chase, PO Box 15298, Wilmington, DE 19850-5298
 516878500 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 516878502 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
 516878503 Eastern Account System, PO Box 837, Newtown, CT 06470-0837
 516878505 +GEPS Physician Group Of NJ, 101 E. State St., Kennett Square, PA 19348-3109
 516878504 +Gem Ambulance, 1750 Cedar Bridge Ave #3, Lakewood, NJ 08701-6921
 516878507 +Hunziker, Jones & Sweeney, Wayne Interchange Plaza II, 155 Route 46 West,
 Wayne, NJ 07470-6822
 516878508 +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378
 516878509 +KML Law Group, P.C., 701 Market St. #5000, Philadelphia, PA 19106-1541
 516878511 ++NORTH JERSEY NEPHROLOGY ASSOCIATES PA, 246 HAMBURG TURNPIKE, SUITE 207,
 WAYNE NJ 07470-2160
 (address filed with court: North Jersey Neurologic Assoc, PA, 220 Hamburg Tpke,
 Wayne, NJ 07470)
 516878512 +Omnicare Of Edison, 120 Fieldcrest Ave., Edison, NJ 08837-3656
 516878513 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 516878514 +Point View Radiology Associates, P.C., PO Box 9132, Brookline, MA 02446-9132
 516878516 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282
 516878517 +Time Affluent Group, 1120 Ave Of The Americas, New York, NY 10036-6700
 516878519 +UPS, 55 Glenlake Pkwy NE, Atlanta, GA 30328-3474
 516878518 +United Collection Bureau, Inc., 5620 Southwyck Blvd, Ste. 206, Toledo, OH 43614-1501
 516878520 +Waterview Center, 536 Ridge Road, Cedar Grove, NJ 07009-1669

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 19 2017 22:54:52 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 19 2017 22:54:49 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516878501 E-mail/Text: mrdiscen@discover.com Jul 19 2017 22:53:57 Discoverbank, Po Box 15316,
 Wilmington, DE 19850
 516878510 E-mail/Text: camanagement@mtb.com Jul 19 2017 22:54:37 M & T Bank, 1 Fountain Plz,
 Buffalo, NY 14203
 516878515 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 19 2017 22:58:49
 Portfolio Recovery Ass, 120 Corporate Blvd Ste 1, Norfolk, VA 23502-4952

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516878498* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 21, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-2

User: admin
Form ID: pdf901

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Total Noticed: 26

Date Rcvd: Jul 19, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 14, 2017 at the address(es) listed below:

Christopher J. Balala on behalf of Debtor Fabiola Pagan cbalala@scuramealey.com,
ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;ascolavino@scuramealey.com
Denise E. Carlon on behalf of Creditor LakeView Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4